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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,182	09/09/2004	Arnd Ritz	DE 020066	1800

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EXAMINER

MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EJ

Office Action Summary	Application No. 10/507,182	Applicant(s) RITZ ET AL.	
	Examiner Peter J. Macchiarolo	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The reply filed on 03/06/2006 consists of changes to the specification and to the claims, and further, the reply consists of remarks related to the prior rejection of claims in the previous Office Action. The above have been entered and considered. However, pending claims 1-15 are not allowable as explained below.

Claim Objections

Claims 6 and 13 are objected to because of the following informalities:

The term, "the burner" in claim 6 lacks antecedent basis. The Examiner gleans from the instant disclosure that the burner refers to the hollow discharge vessel wherein a sustained discharge produces light.

The term, "said discharge vessel" in claim 13 lacks antecedent basis. The Examiner gleans from the instant disclosure that the discharge vessel refers to the interior volume of the lamp wherein a sustained discharge produces light. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by previously cited Parham et al (USPN 5676579; “Parham”).

Regarding claim 1, Parham discloses in figures 14 and 16, a reflector lamp with a light source (fig. 14; 254), a main reflector (inside surface of 252c), a neck portion (extension of base portion 252a not labeled) extending from said main reflector, and at least one primary reflector (290) which is configured to provide an at least substantial reflection through the light source onto the main reflector of those light portions originating from the light source which propagate in the direction of optically inactivated regions of the main reflector or regions of the main reflector obscured by other objects, wherein at least a portion (fig. 16; 300) of said at least one primary reflector (290) is located within said neck portion.

Regarding claim 2, Parham discloses in figure 14 said optically inactivated regions (volume adjacent 278) are formed by a through passage (not labeled) in the main reflector that is provided for a lamp comprising the light source (254).

Regarding claim 3, Parham discloses in figure 14 said objects are other means provided for activating and/or operating the light source.

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Regarding claim 4, Parham discloses in figure 14 and the abstract that the primary reflector (290) is formed by an optically reflecting coating which is provided on a surface of a lamp comprising the light source.

Regarding claim 5, Parham discloses in the abstract the optically reflecting coating is formed by a metal layer or by a plurality of dielectric layers or dichroic filters (tantala and silica).

Regarding claim 7, Parham discloses in figure 14 the reflector lamp further comprises a reflector body with a reflector portion supporting the main reflector said neck portion being configured for introducing a lamp comprising the light source.

Regarding claim 8, Parham discloses in figure 14 the light source is an arc discharge in a high-pressure gas discharge lamp.

Regarding claim 9, the Examiner notes that the preamble recites that the reflector lamp is used in a projection system. This is an intended use type preamble, since it merely recites the intended use of a reflector lamp. Where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone, the preamble is generally not accorded any patentable weight. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA

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1951). In this case, the preamble has been considered, however is not patentable over Parham since the reflector lamp can be used in a projection system.

Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Eggink et al (USPN 5646473; "Eggink").

Regarding claim 13, Eggink shows in figure 1, a lamp comprising an envelope (42) configured to include a light source (4); an envelope reflector (7) at least partially covering said envelope; a reflection portion (19) covered with a further reflector; and a neck portion (5) extending from said reflection portion; wherein at least a portion of the a discharge vessel is located within said neck portion.

Regarding claim 14, Eggink shows in figure 1, at least a portion of the envelope reflector is located within said neck portion.

Regarding claim 15, Eggink shows in figure 1, a geometric continuation of the further reflector (19) passes through the envelope.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parham in view of Davenport et al (USPN 5675677; "Davenport").

Regarding claim 6, Parham discloses in figure 14 the lamp further comprises a reflector body (250) with a reflector portion (252c) supporting the main reflector, said neck portion being configured for introducing a lamp (254) comprising the light source.

Parham does not disclose in the embodiment of figure 14 that the geometric continuation of the main reflector passing through the burner of the lamp.

However, Davenport shows in figure 1a that it is possible to manufacture a lamp with a main reflector (130), the light source having a primary reflector (116), wherein the geometric continuation of the main reflector will pass through the burner of the lamp (114).

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the lamp of Parham with the geometric continuation of the main reflector will passing through the burner of the lamp to reduce the overall length of the main reflector and neck lamp portion thereby the entire lamp assembly more compact, thereby fitting into specific platforms and meeting specific market demands.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parham in view of Eggink.

Regarding claim 10, Parham discloses in figures 14 and 16, a lamp comprising a discharge vessel (fig. 14; inside volume of 296) configured to sustain a discharge; a vessel reflector (290) at least partially covering said discharge vessel; a reflection portion (252b) covered with a further reflector (inside surface of 252b); and a neck portion (extension of base portion 252a not labeled) extending from said reflection portion.

Parham is silent to at least a portion of said discharge vessel being located within said neck portion.

However, Eggink teaches in figure 1 a lamp with a discharge vessel can be located within said neck portion.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the lamp of Parham with at least a portion of said discharge vessel being located within said neck portion, to reduce the overall length of the reflection and neck portions, thereby making the entire lamp assembly more compact, thereby fitting into specific platforms and meeting specific market demands.

Regarding claim 11, Parham is silent to at least a portion of the vessel reflector is located within said neck portion.

However, Eggink shows this configuration at figure 1, with the vessel reflector corresponding to element 7.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the lamp of Parham with the vessel reflector being located within said neck portion. One would be motivated to this configuration to allow the light from the discharge to be reflected out of the neck portion, thereby enabling for a more efficient, compact lamp.

Regarding claim 12, Parham is silent to a geometric continuation of the main reflector passing through the discharge vessel.

However, Eggink teaches this configuration at figure 1.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a geometric continuation of the main reflector passing through the discharge vessel. The reasons for combining and motivation are the same as claim 10.

Response to Arguments

Applicant's arguments filed 03/06/2006 have been fully considered but they are not persuasive.

Firstly, Applicant alleges that the claims have been amended merely for better clarity. However, the Examiner notes that this amendment to claim 1 presents new issues and sufficiently limits the scope so as to require further searching and consideration.

Secondly, Applicant alleges Parham does not show at least a portion of said at least one primary reflector is located within said neck portion. The Examiner disagrees and directs Applicant to figures 14 and 16 of Parham. Figure 16 shows a portion (300) of the primary

reflector (290) covers the metal foil (not labeled) of the lamp. In figure 14, Parham shows the foil is well within the neck portion. Therefore, since the portion significantly covers the metal foil, and the metal foil is in the neck of the lamp, a portion of said at least one primary reflector is clearly located within said neck portion.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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